

Notice of Allowability

Application No.

09/616,372

Applicant(s)

KOMURA ET AL.

Examiner

Bernard E Souw

Art Unit

2881

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 10/18/2004.
2. ☒ The allowed claim(s) is/are 1-3,5-7,9,10,12-14,16-18,20,21,23 and 24.
3. ☒ The drawings filed on 30 September 2004 are accepted by the Examiner.
4. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☒ All b) ☐ Some* c) ☐ None of the:
 1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413), Paper No./Mail Date _____
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____

DETAILED ACTION

EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

Authorization for this Examiner's Amendment has been given during a phone conversation with applicant's attorney, Mr. James E. Barlow, Reg. No. 32,377, on November 16, 2004.

(a) **In the claims:**

► In claim 12, line 3, delete [*forming on oxide film;*] and insert -- ***forming an oxide film; --***.

► In claim 12, line 6, after "... *oxide film with light*", delete [;] and insert -- ***based on the measured exposure time; --***.

► In claim 16, line 7, after "... *oxide film with light*", delete [;] and insert -- ***based on the measured exposure time; --***.

Applicant's Amendments

2. The Amendment and Arguments/Remarks filed 9/30/2004 and the Supplemental Amendment and Arguments/Remarks filed 10/18/2004 have been entered. The present Office Action is made with all the arguments being fully considered.

Figure 3 and Figure 4 have been amended.

New claims 23 and 24 have been added.

Claims 4, 8, 11, 15, 19 and 22 have been previously cancelled.

Claims 1-3, 5-7, 9, 10, 12-14, 16-18, 20, 21, 23 and 24 remain pending in this office action.

ALLOWANCE

3. Claims 1-3, 5-7, 9, 10, 12-14, 16-18, 20, 21, 23 and 24 are allowed.

The claims are subsequently renumbered to claims 1-18.

Reasons for Allowance

4. The following is an examiner's statement of reasons for allowance:

A method for measuring the thickness of an oxide film comprising the step of measuring an exposure period from a time at which the oxide film is formed to a time at which the thickness of the oxide film is measured, and measuring the thickness of the oxide film by radiating the oxide film with light to obtain an apparent thickness, then determining the actual thickness based on the apparent thickness and the exposure period, as recited in claims 1, 2, 5 and 9, is neither anticipated nor rendered obvious by any prior art.

Claims 12 and 16 are allowed for reciting a method of manufacturing a semiconductor device in which an oxide film is formed and its actual thickness is determined by the method of claims 1, 2, 5 or 9.

Claims 3, 5-7, 10, 13, 14, 17, 18, 20, 21, 23 and 24 are also allowed because of its/their dependencies, either directly or indirectly, upon claims 1, 2, 5, 9, 12 or 16.

5. Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Communications

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Bernard E Souw whose telephone number is 571 272 2482. The examiner can normally be reached on Monday thru Friday, 9:00 am to 5:00 pm..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John R Lee can be reached on 571 272 2477. The central fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306 for regular communications as well as for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703 308 0956.

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November 16, 2004



JOHN R. LEE
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2800